

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 1:05CR4
(Judge Keeley)

DANIEL WILSON TESTERMAN,

Defendant.

JUDGMENT ORDER

This case came on for trial before the Court and a jury on January 31, 2006 and February 1, 2 and 6, 2006, the defendant, Daniel Wilson Testerman, appearing in person and by his counsel, George J. Cosenza, and the United States of America appearing through Sherry L. Muncy and David J. Perri, Assistant United States Attorneys.

And the defendant having previously entered a plea of NOT GUILTY to COUNTS ONE, TWO, THREE and FOUR of the within four count indictment, the jury rendered its verdict on the 6th day of February, 2006, as follows:

VERDICT FORM

COUNT ONE

Count One of the Indictment charges that on or about August 28, 2003, at or near Harrisville, Ritchie County, and in the Northern District of West Virginia, the defendant, Daniel Wilson Testerman, did knowingly possess material, that is, a computer containing graphic image computer files of child pornography, as

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defined in Section 2256 of Title 18 of the United States Code, and further identified by the following hash values:

- 1.) 1C7B480D846108B04C7989CD48B2FC12, or
- 2.) 5B629707973380BAA29210A9FE495ECA, or
- 3.) 44195C07FF18B27CB71C809A610367CE, or
- 4.) 310BF5E0FC6438D0294799335A429B98, or
- 5.) 806D804A6D3763BD417A124C15F11141, or
- 6.) B698F3397E5C51A914951731D71B98A5, or
- 7.) B984528508EF2C0A687593535B3E56FA, or
- 8.) D725A85A9DA3E6781A138948A98D8877, or
- 9.) 9AC69EB35D794BC80FCC2658CBDDD96D, or
- 10.) B6830832887BD1ABDC696FFAE696F619, or
- 11.) 54E684EE36859BA7214B25CC18AA1476, or
- 12.) 933652C5465B854E5353CF2772D023E4, or
- 13.) 482DBC7963417F72C9ECE3E9F0482B26, or
- 14.) ECFFFC47BB19F0959B8DCA6082A9139C, or
- 15.) A8B94BDD22FACA6C23D057DAD4373AD3, or
- 16.) D79BAD6739CE98E73C3FA9B50D6097CE, or
- 17.) 893BF2DCE981DA68D352E685518BD7C6, or
- 18.) BDBD87E1C748BD325C30C9F991A661B0, or
- 19.) 8F36F6FE31FF719D2CD5FC64180C4410, or
- 20.) A073E9BC380B87B658015625817D13DD, or

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- 21.) 95FFC79EB2F0D7E8A5D550480895568F, or
- 22.) 71F83DEFD225D469483DFE273BB31739, or
- 23.) 42C599F783F9A73213F2F2CAAF618D46, or
- 24.) 419C8FFCB89AA7F06C4A829BA3BD3357, or
- 25.) 8D8151BFC539CB329C13DA1F1110D24C, or
- 26.) ED59EDF586F7039C0B96081881FD8722, or
- 27.) 8C8E724BA73079D8B62CB48E96E8E857

which had been shipped and transported in interstate and foreign commerce by means that included a computer, all in violation of Title 18 United States Code Section 2252A(a)(5)(B).

WE, THE JURY, on the issue joined, find that the defendant, **DANIEL WILSON TESTERMAN** is

Guilty
Guilty or Not Guilty

of the charge of possession of child pornography.

COUNT TWO

Count Two of the Indictment charges that on or about July 25, 2003, at or near Harrisville, Ritchie County, and in the Northern District of West Virginia, the defendant, Daniel Wilson Testerman, did knowingly receive child pornography, as defined in Section 2256 of Title 18 of the United States Code, that is, two files, identified by the following hash values:

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1.) 1C7B480D846108B04C7989CD48B2FC12, or

2.) 5B629707973380BAA29210A9FE495ECA,

both of which had been shipped and transported in interstate and foreign commerce by any means, in violation of Title 18, United States Code Section 2252A(a)(2)(A).

WE, THE JURY, on the issue joined, find that the defendant, **DANIEL WILSON TESTERMAN** is

Guilty
Guilty or Not Guilty

of the charge of receipt of child pornography.

COUNT THREE

Count Three of the Indictment charges that on or about August 10, 2003, at or near Harrisville, Ritchie County, and in the Northern District of West Virginia, the defendant, Daniel Wilson Testerman, did knowingly receive child pornography, as defined in Section 2256 of Title 18 of the United States Code, that is, a file with hash value 44195C07FF18B27CB71C809A610367CE which had been shipped and transported in interstate and foreign commerce by any means, in violation of Title 18, United States Code Section 2252A(a)(2)(A).

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WE, THE JURY, on the issue joined, find that the defendant,
DANIEL WILSON TESTERMAN is

Guilty
Guilty or Not Guilty

of the charge of receipt of child pornography.

COUNT FOUR

Count Four of the Indictment charges that on or about August 22, 2003, at or near Harrisville, Ritchie County, and in the Northern District of West Virginia, the defendant, Daniel Wilson Testerman, did knowingly receive child pornography, as defined in Section 2256 of Title 18 of the United States Code, that is, a file with hash value 310BF5E0FC6438D0294799335A429B98 which had been shipped and transported in interstate and foreign commerce by any means, in violation of Title 18, United States Code Section 2252A(a)(2)(A).

WE, THE JURY, on the issue joined, find that the defendant,
DANIEL WILSON TESTERMAN is

Guilty
Guilty or Not Guilty

of the charge of receipt of child pornography.

DATED: February 6, 2006

Signed by Foreperson

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Thereupon, the Court ascertained that the verdict represented the unanimous opinion of the members of the jury and finding the verdict to be in due form, the verdict was accepted and the Clerk is **ORDERED** to file said verdict and enter judgment accordingly.

Accordingly, the defendant is adjudged guilty as charged in COUNT ONE of the four count indictment and stands convicted of one count of possession of child pornography and the defendant is adjudged guilty as charged in COUNTS TWO, THREE and FOUR of the Indictment and stands convicted of three counts of receipt of child pornography.

Since the Court is not now advised as to the proper disposition of this case, it is **ORDERED** that:

1. The Probation Office undertake a presentence investigation of **DANIEL WILSON TESTERMAN** and prepare a presentence report for the Court;

2. **The Government and the defendant are to provide their versions of the offense to the probation officer by February 21, 2006;**

3. The presentence report be disclosed to the defendant, defense counsel, and the United States on or before **March 24, 2006;**

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however, the Probation Officer is directed not to disclose the sentencing recommendations made pursuant to Fed. R. Crim. P. 32(b)(6)(A);

4. Counsel shall file **WRITTEN OBJECTIONS** to the presentence report and may file a **SENTENCING MEMORANDUM** that evaluates sentencing factors the parties believe to be relevant under 18 U.S.C. § 3553(a) (including the sentencing range under the advisory Guidelines) and explains any proposed sentence, on or before **April 7, 2006;**

5. The Office of Probation shall submit to the Court the presentence report with addendum on or before **April 21, 2006;** and


6. Sentencing is set for **May 16, 2006 at 9:00 a.m.**

7. The Court continued the defendant's bond and scheduled a hearing regarding the Government's motion to revoke the defendant's bond for **Friday, February 10, 2006 at 9:00 a.m.**

The defendant shall have seven (7) days from the date of this Verdict to file post-trial motions.

The Clerk is directed to transmit copies of this order to counsel of record, the defendant, and all appropriate agencies.

DATED: February 8, 2006


IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE